

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

RONNY WILLIAMS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-23-1026-R
)	
O'REILLY AUTOMOTIVE STORES,)	
INC. and O'REILLY AUTOMOTIVE)	
INC.,)	
Defendants.)	

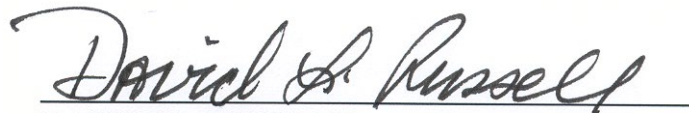
ORDER

On October 23, 2024, Defendant O'Reilly Automotive Inc. filed a Motion for Partial Summary Judgment [Doc. No. 20]. Plaintiff did not timely respond to the motion. Instead, on November 13, 2024, Plaintiff filed a document titled "Dismissal Without Prejudice of Defendant O'Reilly Automotive, Inc." [Doc. No. 25].

Federal Rule of Civil Procedure 41 "is the proper mechanism by which to dismiss all claims against one defendant." *Southcrest, L.L.C. v. Bovis Lend Lease, Inc.*, No. 10-CV-0362-CVE-FHM, 2011 WL 1793388, at *3 (N.D. Okla. May 11, 2011). Under this Rule, the plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). Otherwise, the plaintiff may file a stipulation of dismissal signed by all parties who have appeared or file a motion seeking a court order of dismissal. *Id.* at § (a)(1)(A)(ii); § (a)(2).

Plaintiff's filing does not appear to comply with Rule 41's requirements and is therefore not self-executing. Accordingly, unless Plaintiff promptly files a proper stipulation of dismissal or a motion seeking dismissal, the Court will consider Defendant's Motion for Partial Summary Judgment as still pending for disposition.

IT IS SO ORDERED this 18th day of November 2024.

A handwritten signature in black ink, reading "David L. Russell", written over a horizontal line.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE